

1       (13) Section 2902(7) is amended by inserting "or the  
2 Archivist" after "Administrator".

3       (14)(A) Sections 2903 and 2907 of such title are  
4 amended by striking out "Administrator" each place it ap-  
5 pears and inserting in lieu thereof "Archivist".

6       (B) Sections 2905, 2908, and 2909 of such title are  
7 amended by striking out "Administrator of General Serv-  
8 ices" each place it appears and inserting in lieu thereof "Ar-  
9 chivist".

10       (15) Section 2904 is amended to read as follows:

11       **§ 2904. General responsibilities for records management**

12       "(a) The Archivist shall provide guidance and assist-  
13 ance to Federal agencies with respect to ensuring adequate  
14 and proper documentation of the policies and transactions of  
15 the Federal Government and ensuring proper records  
16 disposition.

17       "(b) The Administrator shall provide guidance and as-  
18 sistance to Federal agencies to ensure economical and effec-  
19 tive records management by such agencies.

20       "(c) In carrying out their responsibilities under subsec-  
21 tion (a) or (b), respectively, the Archivist and the Adminis-  
22 trator shall each have the responsibility—

23           "(1) to promulgate standards, procedures, and  
24 guidelines with respect to records management and the  
25 conduct of records management studies;

1           “(2) to conduct research with respect to the im-  
2        provement of records management practices and  
3        programs;

4           “(3) to collect and disseminate information on  
5        training programs, technological developments, and  
6        other activities relating to records management;

7           “(4) to establish such interagency committees and  
8        boards as may be necessary to provide an exchange of  
9        information among Federal agencies with respect to  
10      records management;

11          “(5) to direct the continuing attention of Federal  
12        agencies and the Congress on the need for adequate  
13        policies governing records management;

14          “(6) to conduct records management studies and,  
15        in his discretion, designate the heads of executive agen-  
16        cies to conduct records management studies with re-  
17        spect to establishing systems and techniques designed  
18        to save time and effort in records management;

19          “(7) to conduct inspections or surveys of the  
20        records and the records management programs and  
21        practices within and between Federal agencies;

22          “(8) to report to the appropriate oversight and ap-  
23        propriations committees of the Congress and to the Di-  
24        rector of the Office of Management and Budget annu-

1        *ally and at such other times as the Archivist or the Ad-*  
2        *ministrator (as the case may be) deems desirable—*

3                *“(A) on the results of activities conducted*  
4                *pursuant to paragraphs (1) through (7) of this*  
5                *section,*

6                *“(B) on evaluations of responses by Federal*  
7                *agencies to any recommendations resulting from*  
8                *inspections or studies conducted under paragraphs*  
9                *(6) and (7) of this section, and*

10                *“(C) to the extent practicable, estimates of*  
11                *costs to the Federal Government resulting from*  
12                *the failure of agencies to implement such recom-*  
13                *mendations.*

14                *“(d) In addition, the Administrator, in carrying out the*  
15                *responsibilities under subsection (b) shall have the responsi-*  
16                *bility to promote economy and efficiency in the selection and*  
17                *utilization of space, staff, equipment, and supplies for records*  
18                *management.”.*

19                *(16) Section 2906 of such title is amended to read as*  
20                *follows:*

21        ***“§ 2906. Inspection of agency records***

22                *“(a)(1) In carrying out their respective duties and re-*  
23                *sponsibilities under this chapter, the Administrator of Gener-*  
24                *al Services and the Archivist (or the designee of either) may*  
25                *inspect the records or the records management practices and*

1 programs of any Federal agency solely for the purpose of  
2 rendering recommendations for the improvement of records  
3 management practices and programs. Officers and employees  
4 of such agencies shall cooperate fully in such inspections,  
5 subject to the provisions of paragraphs (2) and (3) of this  
6 subsection.

7 "(2) Records, the use of which is restricted by law or for  
8 reasons of national security or the public interest, shall be  
9 inspected, in accordance with regulations promulgated by the  
10 Administrator and the Archivist, subject to the approval of  
11 the head of the agency concerned or of the President. The  
12 regulations promulgated by the Administrator and the Archi-  
13 vist under this paragraph shall, to the extent practicable, be  
14 identical.

15 "(3) If the Administrator or the Archivist (or the desig-  
16 nee of either) inspects a record, as provided in this subsec-  
17 tion, which is contained in a system of records which is sub-  
18 ject to section 552a of title 5, such record shall be—

19 "(A) maintained by the Administrator, the Archi-  
20 vist, or such designee as a record contained in a  
21 system of records; or

22 "(B) deemed to be a record contained in a system  
23 of records for purposes of subsections (b), (c), and (i) of  
24 section 552a of title 5.

1       “(b) In conducting the inspection of agency records pro-  
2 vided for in subsection (a) of this section, the Administrator  
3 and the Archivist (or the designee of either) shall, in addition  
4 to complying with the provisions of law cited in subsection  
5 (a)(3), comply with all other Federal laws and be subject to  
6 the sanctions provided therein.”.

7       (17)(A) The heading of chapter 29 of title 44, United  
8 States Code, is amended to read as follows:

9       **“CHAPTER 29—RECORDS MANAGEMENT BY THE AR-**  
10       **CHIVIST OF THE UNITED STATES AND BY THE**  
11       **ADMINISTRATOR OF GENERAL SERVICES”.**

12       (B) The item relating to chapter 29 in the table of chap-  
13 ters for title 44, United States Code, is amended to read as  
14 follows:

“29. Records Management by the Archivist of the United States  
and by the Administrator of General Services..... 2901”.

15       (18) Section 3102 of such title is amended—

16       (A) by inserting “and the Archivist of the United  
17 States” after “Administrator of General Services” in  
18 paragraph (2);

19       (B) by striking out “sections 2101–2113” and in-  
20 serting in lieu thereof “sections 2101–2117”; and

21       (C) by striking out “2701.”.

22       (19) Section 3103 of such title is amended—

1                   (A) by striking out "Administrator" the first  
2 place it appears and inserting in lieu thereof "Archivist of the United States"; and

4                   (B) by striking out "Administrator" the second  
5 place it appears and inserting in lieu thereof "Archivist".

7                   (20) Sections 3104 and 3106 of such title are  
8 amended—

9                   (A) by striking out "Administrator of General  
10 Services" and inserting in lieu thereof "Archivist of  
11 the United States"; and

12                   (B) by striking out "Administrator" each place it  
13 appears and inserting in lieu thereof "Archivist".

14                   (21) Section 3105 of such title is amended by striking  
15 out "Administrator of General Services" and inserting in  
16 lieu thereof "Archivist of the United States".

17                   (22) Sections 3302, 3303, 3308, and 3311 of such title  
18 are amended by striking out "Administrator of General  
19 Services" and inserting in lieu thereof "Archivist of the  
20 United States".

21                   (23) Sections 3303a and 3310 of such title are  
22 amended—

23                   (A) by striking out "Administrator of General  
24 Services" and inserting in lieu thereof "Archivist of  
25 the United States"; and

1 *ministrator of General Services" each place it appears in*  
2 *paragraphs (1) and (2).*

3 *(26) Section 3513 of such title is amended by inserting*  
4 *"and the Archivist of the United States" after "Administra-*  
5 *tor of General Services".*

6 *(c)(1) Section 101 of the Presidential Recordings and*  
7 *Materials Preservation Act is amended—*

8 *(A) by striking out "section 2107" each place it*  
9 *appears and inserting in lieu thereof "section 2111";*

10 *(B) by striking out "Administrator of General*  
11 *Services (hereinafter in this title referred to as the 'Ad-*  
12 *ministrator')" and inserting in lieu thereof "Archivist*  
13 *of the United States (hereinafter referred to as the 'Ar-*  
14 *chivist')"; and*

15 *(C) by striking out "Administrator" and inserting*  
16 *in lieu thereof "Archivist".*

17 *(2) Section 102 of such Act is amended—*

18 *(A) by striking out "section 2107" and inserting*  
19 *in lieu thereof "section 2111", and*

20 *(B) by striking out "Administrator" each place it*  
21 *appears and inserting in lieu thereof "Archivist".*

22 *(3) Section 103 of such Act is amended by striking out*  
23 *"Administrator" and inserting in lieu thereof "Archivist".*

24 *(d) Sections 106a, 106b, 112, 113, and 201 of title 1,*  
25 *United States Code, are amended by striking out "Adminis-*

1 *trator of General Services" and "General Services Adminis-*  
2 *tration" each place they appear and inserting in lieu thereof*  
3 *"Archivist of the United States" and "National Archives*  
4 *and Records Administration", respectively.*

5       (e)(1) *Sections 6 and 11 through 13 of title 3, United*  
6 *States Code, are amended by striking out "Administrator of*  
7 *General Services" and "General Services Administration"*  
8 *each place they appear and inserting in lieu thereof "Archiv-*  
9 *vist of the United States," and "National Archives and*  
10 *Records Administration", respectively.*

11       (2)(A) *The heading of section 6 of such title is amended*  
12 *to read as follows:*

13       **“§ 6. Credentials of electors; transmission to archivist of the**  
14       **United States and to Congress; public inspec-**  
15       **tion”.**

16       (B) *The heading of section 12 of such title is amended*  
17 *to read as follows:*

18       **“§ 12. Failure of certificates of electors to reach President**  
19       **of the Senate or Archivist of the United States;**  
20       **demand on State for certificate”.**

21       (3) *The table of sections for chapter 1 of such title is*  
22 *amended by striking out "Administrator of General Serv-*  
23 *ices" in the items pertaining to sections 6 and 12 and insert-*  
24 *ing in lieu thereof "Archivist of the United States".*

1        *(f) Sections 141 through 145 of title 4, United States*  
2    *Code, are amended by striking out "Administrator of Gener-*  
3    *al Services", "Administrator", and "General Services Ad-*  
4    *ministration" each place they appear and inserting in lieu*  
5    *thereof "Archivist of the United States", "Archivist", and*  
6    *"National Archives and Records Administration",*  
7    *respectively.*

8        *(g) Subsections (b)(6) and (l)(1) of section 552a of title*  
9    *5, United States Code, are amended by striking out "Admin-*  
10   *istrator of General Services" each place it appears and in-*  
11   *serting in lieu thereof "Archivist of the United States."*

12       *(h) Section 5314 of title 5, United States Code, is*  
13   *amended by adding at the end thereof the following:*

14       *"Archivist of the United States."*

15       *(i) Section 4(5) of the Act of October 25, 1951 (25*  
16   *U.S.C. 199a) is amended by striking out "Administrator of*  
17   *General Services" each place it appears and inserting in lieu*  
18   *thereof "Archivist of the United States".*

19                    **DEFINITIONS**

20        *SEC. 108. For purposes of sections 103 through 106—*

21                *(1) the term "Archivist" means the Archivist of*  
22   *the United States appointed under section 2103 of title*  
23   *44, United States Code, as added by section 2 of this*  
24   *Act;*

1                   (2) the term "Administration" means the National-  
2                   al Archives and Records Administration established  
3                   under section 2102 of such title (as amended by section  
4                   2 of this Act); and

5                   (3) the term "function" includes any duty, obliga-  
6                   tion, power, authority, responsibility, right, privilege,  
7                   activity, or program.

8                   **EFFECTIVE DATE**

9                   SEC. 109. The provisions of this title shall be effective  
10                  120 days after the date of enactment of this Act.

11                  **TITLE II—ADMINISTRATIVE PROVISIONS**

12                  **COPYING AND AUTHENTICATING CHARGES**

13                  SEC. 201. Section 2116(c) of title 44, United States  
14                  Code (as redesignated by section 102(a)), is amended to read  
15                  as follows:

16                  "(c) The Archivist may charge a fee set to recover the  
17                  costs for making or authenticating copies or reproductions of  
18                  materials transferred to his custody. Such fee shall be fixed  
19                  by the Archivist at a level which will recover, so far as practi-  
20                  cable, all elements of such costs, and may, in the Archivist's  
21                  discretion, include increments for the estimated replacement  
22                  cost of equipment. Such fees shall be paid into, administered,  
23                  and expended as a part of the National Archives Trust Fund.  
24                  The Archivist may not charge for making or authenticating  
25                  copies or reproductions of materials for official use by the

1 *United States Government unless appropriations available to*  
2 *the Archivist for this purpose are insufficient to cover the cost*  
3 *of performing the work.”.*

4 **NATIONAL ARCHIVES TRUST FUND BOARD**

5 *SEC. 202. (a) Chapter 23 of title 44, United States*  
6 *Code, is amended by striking out sections 2302 through 2305*  
7 *and inserting in lieu thereof the following:*

8 **“§ 2302. Authority of the Board; seal; services; annual**  
9 **report; bylaws; rules; regulations**

10 *“In carrying out the purposes of this chapter, the*  
11 *Board—*

12 *“(1) may adopt an official seal, which shall be ju-*  
13 *dicially noticed;*

14 *“(2) may utilize on a reimbursable basis the serv-*  
15 *ices and personnel of the National Archives and*  
16 *Records Administration necessary (as determined by*  
17 *the Archivist) to assist the Board in the administration*  
18 *of the trust fund, and in the preparation and publica-*  
19 *tion of special works and collections of sources and*  
20 *preparation, duplication, editing, and release of histori-*  
21 *cal photographic materials and sound recordings, and*  
22 *may utilize on a reimbursable basis the services and*  
23 *personnel of other Federal agencies for such purposes;*

24 *“(3) shall submit to the Congress an annual*  
25 *report, by account, of the moneys, securities, and other*

1        *personal property received and held by it, and of its*  
2        *operations, which shall include a listing of the purposes*  
3        *for which funds are transferred to the National Ar-*  
4        *chives and Records Administration for expenditure and*  
5        *to other Federal agencies;*

6            *“(4) may adopt bylaws, rules, and regulations*  
7        *necessary for the administration of its functions under*  
8        *this chapter; and*

9            *“(5) may, subject to the laws and regulations gov-*  
10        *erning appointments in the competitive service, appoint*  
11        *and fix the compensation of such personnel as may be*  
12        *necessary to carry out its functions.*

13        **“§ 2303. Powers and obligations of the Board; liability of**  
14        **members**

15        *“Except as otherwise provided by this chapter, the*  
16        *Board shall have all the usual powers and obligations of a*  
17        *trustee with respect to property and funds administered by it,*  
18        *but the members of the Board are not personally liable,*  
19        *except for malfeasance.*

20        **“§ 2304. Compensation of members; availability of trust**  
21        **funds for expenses of the Board**

22        *“Compensation may not be paid to the members of the*  
23        *Board for their services as members. Costs incurred by the*  
24        *Board in carrying out its duties under this chapter, includ-*  
25        *ing the obligations necessarily incurred by the members of the*

1 *Board in the performance of their duties, shall be paid by the*  
2 *Archivist of the United States from trust funds available to*  
3 *the Board for this purpose. The Board, by resolution, may*  
4 *authorize the transfer of funds (including the principal or*  
5 *interest of a gift or bequest) to the National Archives and*  
6 *Records Administration to be expended on an archival or*  
7 *records activity approved by the Board or to accomplish the*  
8 *purpose of a gift or bequest.*

9 ***“§ 2305. Acceptance of gifts***

10       *“The Board may solicit and accept gifts or bequests of*  
11 *money, securities, or other personal property, for the benefit*  
12 *of or in connection with the national archival and records*  
13 *activities administered by the National Archives and Records*  
14 *Administration. Moneys that are for deposit into the trust*  
15 *fund shall be deposited within 10 working days of the receipt*  
16 *thereof.”.*

17       *(b) Section 2307 of title 44, United States Code, is*  
18 *amended to read as follows:*

19 ***“§ 2307. Trust fund account; disbursements; sales of publi-***  
20 ***cations and releases***

21       *“The income from trust funds held by the Board and the*  
22 *proceeds from the sale of securities and other personal proper-*  
23 *ty, as and when collected, shall be covered into the Treasury*  
24 *of the United States in a trust fund account to be known as*  
25 *the National Archives Trust Fund, subject to disbursement*

1 *on the basis of certified vouchers of the Archivist of the*  
2 *United States (or his designee) for activities approved by the*  
3 *Board and in the interest of the national archival and records*  
4 *activities administered by the National Archives and Records*  
5 *Administration, including but not restricted to the prepara-*  
6 *tion and publication of special works, and collections of*  
7 *sources and the preparation, duplication, editing, and release*  
8 *of historical photographic materials and sound recordings.*  
9 *The Archivist may sell publications and releases authorized*  
10 *by this section and paid for out of the income derived from*  
11 *trust funds at a price which will cover their cost, plus 10*  
12 *percent, and moneys received from these sales shall be paid*  
13 *into, administered, and expended as part of the National Ar-*  
14 *chives Trust Fund.”.*

15       (c) *The table of sections for chapter 23 of title 44,*  
16 *United States Code, is amended by striking out “employ-*  
17 *ees;” in the item pertaining to section 2302 and inserting in*  
18 *lieu thereof “services; annual report;”.*

19                   **AUTHORITY TO LITIGATE**

20       SEC. 203. (a) *Section 2905(a) of title 44, United*  
21 *States Code, is amended by adding at the end thereof the*  
22 *following new sentence: “In any case in which the head of*  
23 *the agency fails to initiate an action for such recovery or*  
24 *other redress within a reasonable period of time after being*  
25 *notified of any such unlawful action, the Archivist of the*

1 *United States shall, through the Attorney General, initiate*  
2 *such an action; and the Archivist shall report the circum-*  
3 *stances of any such failure by the head of the agency, or of*  
4 *any refusal of the Attorney General to initiate such an*  
5 *action, to the appropriate committees of the Congress.”.*

6       *(b) Section 3106 of title 44, United States Code, is*  
7 *amended by adding at the end thereof the following new sen-*  
8 *tence: “In any case in which the head of the agency fails to*  
9 *initiate an action for such recovery or other redress within a*  
10 *reasonable period of time after being notified of any such*  
11 *unlawful action, the Archivist of the United States shall,*  
12 *through the Attorney General, initiate such an action; and*  
13 *the Archivist shall report the circumstances of any such fail-*  
14 *ure by the head of the agency, or of any refusal of the Attor-*  
15 *ney General to initiate such an action, to the appropriate*  
16 *committees of the Congress.”.*

17                    *INSPECTION OF RECORDS*

18       *SEC. 204. Section 3301 of title 44, United States*  
19 *Code, is amended—*

20               *(1) by inserting “(a)” before “As used in this*  
21 *chapter, ”;*

22               *(2) by inserting “, as determined by the Archivist*  
23 *of the United States,” after “public business and pre-*  
24 *served or”; and*

1                   (3) by adding at the end thereof the following new  
2                   subsection:

3                   “(b) The Archivist of the United States shall, by regula-  
4                   tion, establish detailed criteria under which material shall be  
5                   examined to determine if it is a record as defined under sub-  
6                   section (a) and such regulation. The Archivist may have  
7                   access, to determine compliance with such subsection and  
8                   such regulations, to any material made or received by an  
9                   agency of the United States Government.”.

10                   PUBLIC NOTICE

11                   SEC. 205. Section 3303a(a) of title 44, United States  
12                   Code, is amended by inserting “, after publication of notice  
13                   in the Federal Register and an opportunity for interested per-  
14                   sons to submit comment thereon” immediately after “may”  
15                   in the second sentence thereof.

Union Calendar No. 402

98TH CONGRESS  
2D SESSION **H. R. 3987**

[Report No. 98-707]

**A BILL**

To improve the preservation and management of  
Federal records, and for other purposes.

APRIL 25, 1984

Reported with an amendment, committed to the Committee  
of the Whole House on the State of the Union, and  
ordered to be printed